



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
[www.uspto.gov](http://www.uspto.gov)

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/791,675	03/02/2004	Matthew P. Dugas	34018/US	2618
7590	09/09/2005		EXAMINER	
Devan V. Padmanabhan, Esq. DORSEY & WHITNEY LLP Intellectual Property Department 50 South Sixth Street, Suite 1500 Minneapolis, MN 55402-1498			KAPADIA, VARSHA A	
			ART UNIT	PAPER NUMBER
			2651	
DATE MAILED: 09/09/2005				

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>
	10/791,675	DUGAS ET AL.
	<b>Examiner</b>	<b>Art Unit</b>
	Varsha A. Kapadia	2651

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
  - If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
  - Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on 02 March 2004.
- 2a) This action is FINAL.                    2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 1-23 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 1-2,6-7,10-15,19,22 is/are rejected.
- 7) Claim(s) 3-5,8,9,16-18,20,21 and 23 is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on 02 March 2004 is/are: a) accepted or b) objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All    b) Some \* c) None of:
  1. Certified copies of the priority documents have been received.
  2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                        | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)               | Paper No(s)/Mail Date. _____ .  |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date <u>06/07/04</u> .  | 6) <input type="checkbox"/> Other: _____ .                                  |

### **Information Disclosure**

The information disclosure statement (IDS) submitted on 06/07/05 is in compliance with the provisions of 37 CFR 1.97. Accordingly, the information disclosure statement is being considered by the examiner.

### **Rejection Under 35 U.S.C. 112**

Claims 2,4-5- 7, 8-9, 12,21 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In claims 4-5 and 8-9 “the write gap” lacks antecedent basis. Furthermore, the write gap limitations recited in the claim 4-5 and 8-9 does not further limit the magnetic tape.

In claims 2, 7 and 12 the phase “substantially mirror images” is not clearly defined.

In claim 6, the phrase “includes vertical segments only in a staggered pattern” is not clear as to only the vertical segment are included or the vertical segments are written only in a staggered pattern.

In claim 21, the circular opening lacks of antecedent basis.

### **Rejection Under 35 U.S.C. 102**

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1-2, 6-7 and 10-14 are rejected under 35 U.S.C. 102(e) as being anticipated by Zweighaft et al.

With regards to claim 1 Zweighaft et al. discloses a magnetic tape (see fig.4 element 100) comprising at least one track (see fig.4 element 400,410 and disclosure thereof) that includes servo data comprised of at least two portions each having series of short segmented vertical and horizontal segments (see abstract, figs. 4, 4a and disclosure thereof and col.8 lines 18-26 and col.7 lines 18-36).

With regards to claim 2, Zweighaft et al. further shows that the two portions are substantially mirror images of each other (see figs. 4 and 4A and disclosure thereof).

With regards to claims 6, Zweighaft et al discloses magnetic tape comprising servo track that includes vertical segments only in a staggered pattern (see abstract, figs. 4, 4a and disclosure thereof and col.8 lines 18-26 and col.7 lines 18-36).

With regards to claim 7, Zweighaft et al. further shows that the two portions are substantially mirror images of each other (see figs. 4 and 4A and disclosure thereof).

With regards to claim 10. Zweighaft et al. discloses a magnetic tape (see fig.4 element 100) having a segmented staggered servo pattern as claimed (see abstract, figs. 4, 4a and disclosure thereof and col.8 lines 18-26 and col.7 lines 18-36).

With regards to claims 11-14, the method limitations recited in claims 11-14 are similar to the limitations recited in claims 1-2,6 and 10, therefore the rejection applied to claims 1-2,6 and 10 in the above in this office action is herein repeated for the same reasons of anticipation.

Claims 15,19 and 22 are rejected under 35 U.S.C. 102(e) as being anticipated by Dugas (6,496,328).

With regards to claims 15,19 and 22, Dugas discloses method/apparatus for use in writing servo data comprising a servo head, a magnetic film on the head and two or more gaps created in the magnetic film, wherein gaps are synthesized by series of short vertical and horizontal (staggered) segments (See col.10 lines 33-39; col. 12 lines 56-60).

**Allowable Subject Matter**

Claims 3-5,8-9,16-18,20-21 and 23 are would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. 112, 2nd paragraph, set forth in this Office action and to include all of the limitations of the base claim and any intervening claims.

Claims 3,8,16,20 and 23 differs from the prior art of record by further reciting that the write gap segments including staggered pattern are terminated with circular opening.

Claims 4-5,9,17-18 and 21 differs from the prior art of the record by further reciting that the horizontal segments of the write gaps are much smaller than the vertical segments of the write gap and/or much smaller than the width of the write gap.

**Prior Art Cited**

Reference to Molstad et al (6,842,305) cited as of interest.

Reference to Albrecht et al (6,320,719) cited as of interest.

Reference to Beck et al (6,700,729) cited as of interest.

Reference to Molstad et al (6,781,778) cited as of interest.

Reference to Molstad (2003/0099057 A1) cited as of interest.

Reference to Dugas et al (2004/0223248 A1) cited as of interest.

Art Unit: 2651

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Varsha A. Kapadia whose telephone number is (571)272-7557. The examiner can normally be reached on Mon Tue and Thurs. from 6:30 AM to 2:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Hudspeth can be reached on 571 272 7843. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



VK



DAVID HUDSPETH  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 2600